



Montana Environmental Trust Group, LLC
Trustee of the Montana Environmental Custodial Trust
PO Box 1230, East Helena, Montana 59635
Telephone: (406) 227-1242

July 16, 2013

Betsy Burns
RCRA Project Officer
EPA Region VIII
Montana Office
10 West 15th St., Suite 3200
Helena, MT 59626

RE: Consent Decree Civil Action No. CV 98-3-H-CCL East Helena Site Work Performed During August 2011

Dear Ms. Burns:

The Montana Environmental Trust Group, LLC, Trustee of the Montana Environmental Custodial Trust (the Custodial Trust), hereby submits the attached monthly progress report for the month of August 2011 to the US Environmental Protection Agency (EPA). The enclosed report was prepared pursuant to the requirements of Section 86 and other applicable provisions of the First Modification of the Consent Decree (No. CV 98-3-H-CCL) entered on US Federal District Court (Montana) in 2012.

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**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
August 2011**

#	Topics & Subtasks	Date(s)	Major Activities ¹
I. RCRA Corrective Action			
A. Investigations, Studies, Analyses and Data Collection			
1.	Phase II RFI	During Period	EP METG provided the draft Phase II RFI to the Beneficiaries on May 20 th for their review and comment. A responded to a request from WQPD regarding the draft Phase II RFI report.
2.	FSAP	During Period	2011 FSAP third quarter monitoring activities continued in August. The monitoring activities include flow and stage measurements on 22 Prickly Pear Creek Sites; 11 pond and ditch locations; and water levels on 88 monitoring and residential wells.
		During Period	Results for the residential well sampling event north of Canyon Ferry Road indicated wells at 100 feet bgs had concentrations of up to 10 ppb of Selenium. The Custodial Trust sent letters to individual well owners providing results of the analysis, and a fact sheet of general information about Selenium which will be sent out when all data is available (this should be about mid-August).
		During Period	Hydrometrics installed transducers in wells near Upper and Lower Lakes to monitor fluctuations in the shallow groundwater table
3.	Risk Assessment	During Period	Gradient will issue the final BERA report after discussions with USFWS regarding the risks to birds from off-site soils. EPA and the Custodial Trust met with USFWS on August 31 st to resolve all outstanding issues related to the BERA.
4.	Upper Lake Aquifer Test	During Period	No significant Upper Lake Aquifer test activities occurred during the reporting period.
5.	GW Model	During Period	Repairs to the flood damaged diversion structure separating Upper Lake and Prickly Pear Creek were made the week of July 11 th . The Custodial Trust submitted an emergency notice (due within 15 days after completion of the action) to the Lewis & Clark County Conservancy District for work impacting the streambed channel under 310 Permit; Natural Streambank and Land Preservation Act. Prior approval from the Conservancy District will be required should further repairs be made to the diversion structure.
		During Period	The Groundwater Model and TWG will be delayed until the South Plant Water Balance and the Site Conceptual Models are completed later this fall.
6.	Database Management	During Period	EPA requested formal procedures be developed to review and verify all data entered into the database. On June 2 nd , Hydrometrics Contract Modification #3 was executed to revise and update the DMP and addend the QAPP.
B. Interim Measures			
1.	SPHC IMs	During Period	The Custodial Trust approved scope and budget for Hydrometrics to perform planning and data collection activities associated with the South Plant Hydraulic Unit. This field aquifer testing which will begin in September/October.
		During Period	The EPA met with the US Army Corps of Engineers (COE) regarding natural resource permitting for SPCH Interim Measures. COE indicated this work would qualify for a nationwide permit for work in wetlands and other waters that is regulated by Section 404 of the Clean Water Act.
		During	The Beneficiaries and Custodial Trust met with US Fish and Wildlife Service on August 31 st regarding

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August 2011**

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		Period	natural resource permitting for SPHC Interim Measures.
2.	ET Cover System IMs	During Period	No significant ET cover system IM activities occurred during the reporting period.
3.	Source Removal IMs	During Period	No significant source removal IM activities occurred during the reporting period.
4.	IM Work Plans	During Period	No significant IM work plan activities occurred during the reporting period.
5.	RCRA Team Support	During Period	No significant RCRA team support activities occurred during the reporting period.
6.	General (Programmatic) IMs	During Period	No significant programmatic IM activities occurred during the reporting period.
7.	Permitting	During Period	No significant permitting activities occurred during the reporting period.
C.	CMS		
A.		During Period	The Custodial Trust, with input from the Beneficiaries, authorized CH2MHill to prepare the draft CMS Work Plan on August 10 th . First draft to be completed by the end of September 2011.
		During Period	Hydrometrics is developing conceptual site models for areas of potential concern relative to on-site soils.
		During Period	The Custodial Trust awarded aerial mapping contract to DJ&A. Surveys started August 29 th .
II. Beneficiary/Stakeholder Communications			
A.	Beneficiary Communications	During Period	No significant beneficiary communication activities occurred during the reporting period.
B.	Stakeholder Communications	During Period	No significant stakeholder communication activities occurred during the reporting period.
III Site Management & Operations			
A.	Site-Wide Health & Safety/Regulatory Compliance	During Period	MPDES General Permit renewal application was submitted to MDEQ in August. Storm Water Pollution Prevention Plan will be due within six months from the effective date of the reissued General Permit.
		During Period	Modification #1 to the 1998 CD has been finalized. The Custodial Trust has requested an update from USDOT on the status of filing the first modification.
		During Period	CH2M-Hill is working on a technical memorandum update of Exponent's 2009 screening level risk assessment for human health.
B.	Site Security	During Period	No significant site security activities occurred during the reporting period.
C.	Plant Operations	During Period	No significant plant operation activities occurred during the reporting period.
D.	Stormwater Management	During	The HDS water treatment plant did not operate in August. Approximately 340,000 gallons were held in

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
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		Period	storage at the end of the month.
		During Period	HDS Sludge pressed during August; samples submitted for TCLP analysis.
		During Period	Storm water collection system clean-out during the month of August. Samples have been submitted for TCLP analysis.
E.	Documents & Records	During Period	No significant document and records activities occurred during the reporting period.
F.	Water Rights	During Period	No significant water rights activities occurred during the reporting period.
G.	Other Property Management	During Period	No significant other property management activities occurred during the reporting period.
H.	Other Site Operations	During Period	No significant other site operations activities occurred during this reporting period.
IV Property Use/Development			
A.	Agricultural Leases	During Period	No significant agricultural lease activities occurred during the reporting period.
B.	Community Land Uses	During Period	No significant community land use activities occurred during this reporting period.
C.	Redevelopment & Property Sale	During Period	The Custodial Trust and H&H Metals executed a revised Slag Sale Agreement for 1,000 tons/month pending negotiation and finalization of a long-term sale agreement.
		During Period	CTA Architects, Engineers & Planners were selected for the East Helena Redevelopment Planning Studies.
		During Period	Zanetti Brothers continues CERCLA work in East Helena.
		During Period	The City of East Helena issued its RFP for surveyors to support the land transfer process. The Custodial Trust is awaiting feedback from the City attorney regarding terms and conditions for the transfer.
		During Period	Foster agricultural lease was finalized and are being reviewed prior to submission to the Beneficiaries for review and approval.
D.	Slag Re-Processing	During Period	No significant slag re-processing activities occurred during the reporting period.
E.	City/County Land Transfers	During Period	No significant city/county land transfer activities occurred during the reporting period.
V. CT Operations & Financial Affairs			
A.	Personnel & Office Operations	During Period	No significant personnel and office operations activities occurred during the reporting period.
B.	Financial Affairs	During Period	No significant financial affairs activities occurred during the reporting period.

**Montana Environmental Custodial Trust Monthly Progress Report for the East Helena Site
August 2011**

#	Topics & Subtasks	Date(s)	Major Activities ¹
VI.	Upcoming Activities		
		During Period	LEAP & ICs meetings
		During Period	East Helena City Council Meeting
		During Period	Lewis and Clark County WQPD meeting
		During Period	Beneficiary Meeting
		During Period	Lewis and Clark County Flood Mitigation Meeting
VII.	Outstanding Items and Issues		

¹ See Attachment I for a list of acronyms used in the weekly progress reports.

Section 3. Describe and estimate the percentage of studies completed.

No projects or studies were completed in August 2011. A complete listing of projects completed in 2011 will be reported in the January 2012 Progress Report.

Section 4. Describe Actions being taken to address problems.

There were no actions required to address problems associated with the Decree.

Section 5. Identify changes in key personnel during the period.

None during the reporting period.

Section 6. Describe the status of financial assurance mechanisms, including whether any changes have occurred, or are expected to occur which might affect them, and the status of efforts to bring such mechanisms back into compliance with the requirements of this Decree.

The Custodial Trust received funds for Environmental Actions earmarked for site clean-up in connection with the ASARCO bankruptcy settlement. The Custodial Trust deposited the funds in a segregated East Helena Clean-up account and is investing and managing the funds in accordance with the provisions of the Settlement Agreement.

Please do not hesitate to contact me with any questions pertaining to this transmittal.

Sincerely,

A handwritten signature in blue ink, appearing to be "Jim Ford", with a long horizontal stroke extending to the right.

Montana Environmental Trust Group, LLC

Not individually but solely in its representative capacity as
Trustee of the Montana Environmental Custodial Trust

By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

cc: Denise Kirkpatrick - MDEQ
Randy Breeden - EPA 8
Chuck Figur - EPA 8

CERTIFICATION
PURSUANT TO U.S. v ASARCO INCORPORATED
(CV-98-3-H-CCL, USDC, D. Montana)

"I certify under penalty of law that this document and all attachments, were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."



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By: Greenfield Environmental Trust Group, Inc., Member

By: Jim Ford, Duly Authorized Owner Representative

Attachment I **Montana Environmental Custodial Trust Monthly Progress Report** **East Helena (EH) Site Acronyms**

Acronyms	
AL	Air Liquide
BOH	Board of Health (Lewis & Clark County)
CD	Consent Decree
Chemet	American Chemet
CLOMR	Conditional Letter of Map Revision
CMS	Corrective Measures Study
CT	Custodial Trust
DMRs	Discharge Monitoring Reports
EAP	Emergency Action Plan
EH	East Helena
EPA	US Environmental Protection Agency
ET	Evapo-Transpiration
FEMA	Federal Emergency Management Agency
GW	Groundwater
HASP	Health & Safety Plan
HEC-RAS	Hydrologic Engineering Centers River Analysis System
IM	Interim Measure
LL	Lower Lake
MBMG	Montana Bureau of Mines & Geology
MDEQ	Montana Department of Environmental Quality
MDOJ	Montana Department of Justice
MDT	Montana Department of Transportation
P&S	Purchase & Sale
PPC	Prickly Pear Creek
SPHC	South Plant Hydraulic Control
UL	Upper Lake
USDOJ	US Department of Justice
USFWS	US Fish & Wildlife Service
WP	Work Plan
WQPD	Water Quality Protection District (Lewis & Clark County)